

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Rosario Marinello,

NO. C 08-00664 JW

Plaintiff,

**ORDER CONTINUING PRELIMINARY  
PRETRIAL CONFERENCE**

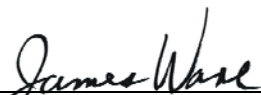
v.

California Department of Corrections &  
Rehabilitation,

Defendant.

This case was scheduled for a Preliminary Pretrial Conference on June 1, 2009. Pursuant to the Court's November 20, 2008 Scheduling Order, the parties were ordered to submit a Joint Preliminary Pretrial Statement on or before May 22, 2009. (See Docket Item No. 58.) However, the parties have failed to do so. Accordingly, the Court continues the Preliminary Pretrial Conference to **June 15, 2009 at 11 a.m.** The parties shall file a Joint Preliminary Pretrial Statement on or before **June 5, 2009.** The Statement shall update the Court regarding, among other things, the parties' settlement efforts and proposed trial schedule. Failure to timely file the Statement may result in appropriate sanctions.

Dated: May 28, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 David Pai David.Pai@doj.ca.gov

3 Rosario Marinello  
266 Reservation Rd. #f-232  
4 Marina, CA 93933

5  
6 **Dated: May 28, 2009**

**Richard W. Wieking, Clerk**

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8 By: /s/ JW Chambers  
Elizabeth Garcia  
9 Courtroom Deputy  
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